



1981

Tribute to Mr. Justice Reed

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Supreme Court of the United States

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Recommended Citation

Brennan, William J. Jr. (1981) "Tribute to Mr. Justice Reed," *Kentucky Law Journal*: Vol. 69 : Iss. 4 , Article 3.

Available at: <https://uknowledge.uky.edu/klj/vol69/iss4/3>

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TRIBUTE TO MR. JUSTICE REED

Stanley Reed, a dear and wonderful man, graced the Supreme Court for 19 years. Much can and will be written about the many aspects of his long and distinguished public service before he ascended the Bench. He was successively General Counsel of the Federal Farm Board, General Counsel of the Reconstruction Finance Corporation and Solicitor General of the United States. He took great pride in government service as lawyer in these highly important posts and encouraged other able practitioners to give at least some time to such service. In a 1959 address at the University of Chicago Law School he emphasized his conviction that "as long as service to others remains the ideal of humanity" fine and able men of the Bar "interested in performing their obligation to their generation" would be found on the "rolls of government lawyers."

I came to know Justice Reed well only in the closing months of his tenure on the Court after I became his colleague in the fall of 1956. We soon became fast friends and remained so during the rest of his life. He brought to the Court the characteristic diligence, massive common sense, downright forcefulness, want of subtlety, dislike of technicalities and abiding instinct for fair play that marked his distinguished service as a government lawyer.

The Baltimore Sun editorialized on his retirement on February 25, 1957: "From the beginning of Justice Reed's work he had indicated his sense of the Court as an institution under rigorous self-discipline. One reason he was known as a conservative was his steady adherence to the view that the Court finds, interprets and applies the law, but does not legislate it." The "Conservative" label applied to Mr. Justice Reed is misleading if it is meant to portray him as a judge to whom the analysis and refinement of legal rules is the sum of the judge's task. For he viewed legal problems as the problems of human beings before the Court. Because Constitution, statute or precedent rarely speak unambiguously, he recognized that a just and human choice between competing alternatives has to be made by every judge who must decide concrete cases. If

that choice requires to one "legislate," so be it. There is no help for it. When the critical moment comes he must say yea or nay; he is on his own; he has nothing to rely on but his own intellect, experience and conscience. And Mr. Justice Reed's devotion to justice led him to reject a narrow view of the judge's role. He held the firm belief that what the law provides is a method for seeking wisdom, not wisdom itself.

I can hardly express how much I respected and liked this warm, upright, lovable man. This scholarly, gently, quiet-spoken and unfailingly courteous human being exemplified the judicial role at its best. It is a blessing that he was with us for so long. I congratulate the *Kentucky Law Journal* upon its dedication of this issue to his memory, in Learned Hand's words, "to acclaim one who—all unaware of his deserts—so richly earned our gratitude."

William J. Brennan, Jr.